

**MINUTES  
TOWNSHIP COMMITTEE  
REGULAR MEETING  
AUGUST 13, 2020**

Mayor Kelly called the Regular Meeting of the Township Committee of the Township of Chatham to order at 4:34 P.M.

**Adequate Notice** of this meeting of the Township Committee was given as required by the Open Public Meetings Act as follows: Notice was given to both *The Chatham Courier* and the *Morris County Daily Record* on June 12, 2020; notice was posted on the bulletin board in the main hallway of the Municipal Building on June 12, 2020; and notice was filed with the Township Clerk on June 12, 2020.

Pursuant to Executive Orders Nos. 102, 103, 104 and 107 and to ensure the safety of all, during a State of Emergency declared by New Jersey Governor, Phil Murphy, on March 9, 2020 to “contain the spread of COVID-19”, the Township of Chatham limited the public from physically attending the Township Committee meeting to be held on Thursday, July 23, 2020.

**Roll Call**

Answering present to the roll call were Committeewoman Ewald, Committeewoman Fondaco, Committeewoman Swartz, Deputy Mayor Ness and Mayor Kelly.

Committeewoman Ewald, Committeewoman Fondaco and Committeewoman Swartz participated in the meeting via Zoom.

**Approval of Agenda**

Deputy Mayor Ness moved to approve the Agenda. Committeewoman Fondaco seconded the motion.

**Executive Session**

**RESOLUTION 2020-P-19  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING CONFERENCE OF  
THE TOWNSHIP COMMITTEE WITH THE PUBLIC EXCLUDED**

**WHEREAS**, N.J.S.A. 10:4-12 of the Open Public Meetings Act permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, the Township Committee of the Township of Chatham is of the opinion that such circumstances presently exist.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

1. The public shall be excluded from discussion of the specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
  - a. Litigation - In the Matter of the Township of Chatham for a Judgment of Compliance of its Third Round Housing Element and Fair Share Plan Docket No. MRS-L-1659-15
3. It is anticipated that the minutes on the subject matter of the Executive Session will be made public upon conclusion of the matter under discussion; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
4. The Committee will come back into Regular Session and may take further action.
5. This Resolution shall take effect immediately.

Mayor Kelly announced that the Township Committee will return to Public Session at 5:30 PM.

Committeewoman Swartz moved to adopt Resolution 2020-P-19 to enter Executive Session at 4:36 P.M. Committeewoman Fondaco seconded the motion.

**Roll call:** Committeewoman Ewald, Aye; Committeewoman Fondaco, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ness, Aye; Mayor Kelly, Aye.

The Township Committee returned to Public Session at 5:36 PM.

Mayor Kelly led the Flag Salute.

Mayor Kelly reviewed the procedures for the public hearings on the Agenda. He also announced that in September the Township Committee meetings will return to a 7:30 PM start time. Mayor Kelly noted that it is not yet known when the Municipal Building will be open to the public, however there are still drop off and pickup boxes by the front door. Municipal staff can be reached by phone and email. Mayor Kelly stated that the two ordinances on the agenda for introduction pertain to the acquisition of 522 Southern Boulevard either by purchase or by condemnation, and he said that the Township would prefer a voluntary purchase of the property. Mayor Kelly stated that the Township received an appraisal report for 522 Southern Boulevard, and the appraised value is \$3,685,000. He noted that the Township received notice from Charlie Brown's that the restaurant will not be reopened, and on August 17<sup>th</sup> the Planning Board will have a public hearing to determine if 522 Southern Boulevard meets the criteria to be designated as an area in need of condemnation redevelopment. Mayor Kelly further reported that on September 17<sup>th</sup>, Judge Gaus will hold a Fairness Hearing on the Township's amended Affordable Housing Settlement Agreement. Details for the hearing will be posted on the Township website when available.

### **Special Recognition**

#### **RESOLUTION 2020-188 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN HONOR OF THE 100TH ANNIVERSARY OF THE 19TH AMENDMENT TO THE UNITED STATES CONSTITUTION**

**WHEREAS**, the bold, courageous and powerful women who fought for the ratification of the 19th amendment to the United States Constitution on August 18, 1920, and certification on August 26, 1920, by the U.S. Secretary of State, deserve special celebration on the 100th anniversary of this achievement;

**WHEREAS**, New Jersey was the 29th state to ratify the 19th Amendment on February 9, 1920; and;

**WHEREAS**, New Jersey holds a special place in women's suffrage history as thousands of New Jersey women advocated for the right to vote on the streets, in the newspapers, in the state capital and throughout the state; and

**WHEREAS**, the 19th Amendment did not guarantee suffrage for all women, including Native American women, who did not gain the right to vote until 1924; Asian Pacific Islander American women until 1952; and African-American women and Latinas who were victims of voter suppression until passage of the Voting Rights Act of 1965 and 1975; and

**WHEREAS**, the fact that today, record numbers of women are serving in local, state and national government and running for office in unprecedented numbers, as part of the legacy of these resolute American suffragists; and

**WHEREAS**, the 19th amendment to the United States Constitution has played an important role in advancing the rights of all women; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham honors the role of the ratification of the 19th Amendment in further promoting the core values of our democracy as promised by the Constitution of the United States; reaffirming the opportunity for everyone to learn about and commemorate the efforts of the women's suffrage movement and the role of women in our democracy; and reaffirms our desire to continue to strengthen democratic participation and to inspire future generations to cherish and preserve the historic precedent established under the 19th Amendment.

**BE IT FURTHER RESOLVED**, that the Township Committee of the Township of Chatham hereby recommends that residents and civic institutions celebrate August 18, 2020, as the 100th anniversary of the passage and ratification of the 19th Amendment, providing for women's suffrage, and August 26, 2020, as the date of its official certification.

Deputy Mayor Ness read aloud Resolution 2020-188.

Deputy Mayor Ness moved to adopt Resolution 2020-188. Committeewoman Swartz seconded the motion.

**Roll call:** Committeewoman Ewald, Aye; Committeewoman Fondaco, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ness, Aye; Mayor Kelly, Aye.

### **Reports**

Mayor Kelly thanked the Township's emergency workers for their efforts in responding to the damage from Hurricane Isaias. He said that many people are displeased with JCP&L's response to the storm damage, and he asked residents to submit their concerns so that they can be brought to the attention of JCP&L representatives.

Committeewoman Ewald thanked Deputy Mayor Ness and Committeewoman Swartz for following up with JCP&L regarding power restoration following Hurricane Isaias. She also reported that the Board of Health met, and much of the discussion was about COVID. The Board of Education has posted their plan for reopening schools with protocols to address the pandemic. Committeewoman Ewald also reported that the Board of Health discussed noise from leaf blowers, and the Board has approved a letter to be sent to residents about noise ordinance consideration. The Tri-Town Cares group is holding a panel discussion on August 25<sup>th</sup> on helping children transition to the new school format. Committeewoman Swartz asked if there was discussion of the concern regarding noise from bicycle riders. Committeewoman Fondaco noted that there is a sign posted on Green Village Road. Committeewoman Ewald commented on the challenge of measuring sound levels. Committeewoman Swartz noted the noise from generators following Hurricane Isaias. The Township Clerk noted that he only received one complaint regarding generator noise following Hurricane Isaias.

Mayor Kelly noted that the problems with broadcasting the Township Committee meeting on FiOS have been resolved.

Committeewoman Swartz reported on the storm damage from Hurricane Isaias, as well as the restoration effort. She said that the August 11<sup>th</sup> date announced by JCP&L for restoration was a blanket date. Committeewoman Swartz reported that PSE&G is working to install outdoor meters. She also reported that PSE&G has been conducting gas main repair work, and they will restore properties affected by the project. Road repairs are under discussion. Committeewoman Swartz further reported that the Senior Center is closing for two weeks of vacation, and the Senior Center hopes to be able to have more group activities available when they reopen. Committeewoman Swartz said that the Police and Public Works Department want to thank Township residents for the cordiality during the storm response. She also reported that if Morris County does not clean up storm debris along County roads, the Township will collect the debris.

Deputy Mayor Ness reported on the work that was done to restore power to Township residents following Hurricane Isaias, and she noted the positive efforts of Chief Miller. Deputy Mayor Ness also noted on the importance of the sharing of information in that effort. She also addressed the ongoing problem of power outages, and said that an assessment of the utility infrastructure is needed. Deputy Mayor Ness further thanked the cleanup crew that has been performing remediation work at the Municipal Building. She also thanked Chief Miller and Sergeant Herchick for continuing the dialogue on race in policing, and noted that they have met with local residents. Regarding Joint Recreation, there has been a suggestion that the Recreation program follow the School District and the NJSIAA Guidelines for a return to Fall sports. School fields will not be available until September 14<sup>th</sup>. Regarding Colony Pool, there are 404 memberships, compared to 394 in 2019 and 363 in 2018. Overall revenues are impacted by the shortened season, and revenue thus far in 2020 is approximately \$96,000.

Committeewoman Swartz said that questions were received about reimbursement from JCP&L for food spoilage, and JCP&L has determined that they are not responsible. Deputy Mayor Ness noted that other utility companies are offering reimbursement. Committeewoman Swartz said that the Board of Public Utilities made the determination that utility companies are not required to make reimbursements for food spoilage. Administrator Hoffmann reiterated that some utility companies are making reimbursements.

The Township Clerk reported that residents who are unhappy with the performance of utility companies can file complaints with the Board of Public Utilities, as the BPU is the regulatory authority that oversees utilities. The Township Clerk also noted the importance of reporting outages, citing that although River Road was restored, half of the apartments at Cardinal Hill were still out.

Engineer Ruschke reported on the 2020 Road Repaving Program, and he listed the roads to be repaved. He also said that he will work with PSE&G regarding repairs to Longwood Avenue. The NJDOT has announced that they are receiving grant applications for the Transportation Alternatives Program, and he discussed potential sidewalk and trail projects. Deputy Mayor Ness asked about sidewalks on Snake Hill. Engineer Ruschke said that discussions on that potential project is separate from Dixiedale, and was submitted through a different Grant program. He further commented on a project to clear a path for the Hillside Trail so that the Township can more accurately bid the project by allowing bidders to get a better sense of the scope of the project. Engineer Ruschke further commented on the background of the Hillside Avenue Trail Project.

Administrator Hoffmann reported that 2020 is the first year that the road maintenance project utilized both physical and electronic inspection measures. He also reported that there was an abbreviated Summer Baseball Season, and the proper health protocols were followed and no COVID-19 illnesses occurred.

### **Hearing of Citizens**

Mayor Kelly opened the Hearing of Citizens.

1. Nicole Hagner, 396 River Road, asked about the timing for concept plans for the Group Homes. Ms. Hagner also asked about posting of storm response information on the Township website. She further suggested that the assessment of the Hillside Trail should be conducted in the winter once the heavy growth is gone. Mayor Kelly said that the Group Homes concept plans will be presented when available, and Administrator Hoffmann said that the concept plans are expected to be available in a few months. Deputy Mayor Ness stated that storm response information was posted on the Township's Facebook page, and was shared from there onto the Chatham Community Forum. Engineer Ruschke said that the Hillside Trail Project will go out to bid in the fall.

Committeewoman Swartz asked if the website should be used for updates rather than Facebook. The Township Clerk said that once website updates are handled in-house, that would be a more practical option. Deputy Mayor Ness noted that presently it takes a while for website updates to be posted. The Township Clerk added that it is a struggle trying to get accurate information from JCP&L, and the Township strives to make sure that information is accurate before sending out alerts or posting updates to the website and social media platforms.

2. Fran Leff, 12 Joseph Street, commented that it might be prudent to conduct a survey to see what people's preferred methods are to receive updates and alerts from the Township. Mrs. Leff also addressed drainage issues in the Sunset Lake neighborhood.

Engineer Ruschke said that the drainage system in Sunset Lake is undersized for major storms, and improvements would be a major undertaking. He also said that some drainage from Madison and Shunpike Road wind up in the Sunset Lake drainage system. Engineer Ruschke further addressed ponding at the intersection of Joseph Street and Lake Road, and said that he thought it had been taken care of with a prior project. He said that he will work with the DPW Director to look into making repairs. Committeewoman Swartz asked about Madison's intention to build Affordable Housing at the intersection of Green Avenue and Shunpike Road, and how that could affect drainage. Engineer Ruschke said that Madison does not have stormwater controls as stringent as those in Chatham Township.

Mayor Kelly said that Madison's Affordable Housing Plan involves zoning overlay zones, which includes the New Life Church property at the corner of Green Avenue and

Shunpike Road. He noted that the overlay zone does not necessarily indicate any immediate plans for development.

The Township Clerk noted while a survey can be conducted to assess people’s preferred methods for receiving updates and alerts, it becomes difficult to both send and receive such information when there is the combination of widespread power outages, internet outages and cable outages.

Seeing no further public comment at this time, Mayor Kelly closed the Hearing of Citizens.

**Public Hearing/Final Adoption of Ordinances**

**Ordinance 2020-13**

**ORDINANCE 2020-13**

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING ORDINANCE 2020-11 CREATING A NEW “R-3 AFFORDABLE HOUSING RESIDENCE DISTRICT (R-3 AH)” BY CLARIFYING THAT THE GROUP HOME LOT WILL BE CLEARED AND LEVELED TO ALLOW FOR THE CONSTRUCTION OF A GROUP HOME ON THE LOT**

**WHEREAS**, on July 9, 2020, the Township Committee of the Township of Chatham adopted Ordinance 2020-11; and

**WHEREAS**, the purpose of this Ordinance is to amend Section 4 of Ordinance 2020-11 to clarify that the group home lot will be cleared and leveled to prepare it for the construction of a group home; and

**WHEREAS**, Section 4 of Ordinance 2020-11 is amended to delete the last sentence: “The lot is to be conveyed with a foundation pad ready for a ranch home, with utilities available in the street, a sidewalk which lot shall be conveyed to the group home developer or the Township of Chatham for \$1”; and

**WHEREAS**, the deleted portion of Section 4 of Ordinance 2020-11 is replaced with: “The lot is to be conveyed cleared and leveled with a flat surface achieved by bulldozing and installing retaining walls to create the flat surface, including a driveway cut and a tracking pad, ready for the construction of a ranch style group home, with utilities, including sanitary sewer and water, available in the street, and a sidewalk, which lot shall be conveyed to the group home developer or the Township of Chatham for \$1 at the Township’s option.”

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

Section 1. Section 4 of Ordinance 2020-11 adopted on July 9, 2020, the last sentence, is hereby amended to delete: “The lot is to be conveyed with a foundation pad ready for a ranch home, with utilities available in the street, a sidewalk which lot shall be conveyed to the group home developer or the Township of Chatham for \$1” and replaced with: “The lot is to be conveyed cleared and leveled with a flat surface achieved by bulldozing and installing retaining walls to create the flat surface, including a driveway cut and a tracking pad, ready for the construction of a ranch style group home, with utilities, including sanitary sewer and water, in the street, and a sidewalk, which lot shall be conveyed to the group home developer or the Township of Chatham for \$1 at the Township’s option”.

Section 2. The Township Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Morris County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15, including to the Clerk of adjoining municipalities. The Township Clerk shall execute Affidavits of Proof of Service of the notices required by this Section 2 and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

Section 3. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Chatham for its review in accordance with the Municipal Land Use Law. As provided in N.J.S.A. 40:55D-26, the ordinance shall be referred to the Planning Board for a Master Plan inconsistency determination and within thirty-five (35) days after referral, the Planning Board shall issue a report determining whether the Ordinance is inconsistent with the Township Master Plan.

Section 4. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 5. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extend of such inconsistency.

Section 6. This Ordinance shall take effect immediately upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Clerk with the Morris County Planning Board pursuant to N.J.S.A. 40:55D-16.

Attorney Cruz explained the purpose of Ordinance 2020-13. He also reported that a Master Plan Consistency Review was conducted by the Planning Board. The Ordinance was found to be inconsistent with the Master Plan, however the Planning Board recommends that Ordinance 2020-13 be adopted because it advances the goals and objectives of the Master Plan by promoting Affordable Housing. Attorney Cruz stated that the Township Committee would need to adopt a Reasons Resolutions stating the basis for adopting Ordinance 2020-13 before the ordinance can be adopted.

Mayor Kelly opened the Public Hearing on Ordinance 2020-13.  
Seeing no public comment, Mayor Kelly closed the Public Hearing.

**RESOLUTION 2020-179**  
**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,**  
**COUNTY OF MORRIS, STATE OF NEW JERSEY, STATING THE REASONS FOR**  
**ENACTING ORDINANCE 2020-13**

**WHEREAS**, the Township Committee of the Township of Chatham referred Ordinance 2020-13 to the Planning Board for statutory review pursuant to N.J.S.A. 40:55D-26; and

**WHEREAS**, Ordinance 2020-13 amends Ordinance 2020-11 which created the R-3 Affordable Housing Residence District (“R-3AH Zone”); and

**WHEREAS**, the Planning Board determined that Ordinance 2020-11 was inconsistent with the Land Use Plan (“LUP”) because the intensity of permitted development is 20,000 square feet per unit which is substantially greater than 100,000 square feet per unit as provided for in the LUP; and

**WHEREAS**, despite this inconsistency, the Planning Board found that Ordinance 2020-11, which requires that 20% of the total number of lots created will be conveyed to either the Township of Chatham or a qualified group home developer, advances the objective of the LUP to promote a balance of housing types for all segments of the population; and

**WHEREAS**, the Planning Board further found that the Ordinance advances the affordable housing objectives of the 2008 Housing Plan Element and Fair Share Plan (“HEFSP”) and assists the Township in meeting its constitutionally mandated fair share obligation with the creation of a group home as required by the R-3 AH Zone standards; and

**WHEREAS**, having reviewed the May 28, 2020 Review Memorandum prepared by the Board Planner, Frank Banisch, P.P., as well as his testimony regarding same, the Planning Board recommended adoption of the Ordinance provided it was revised to expand the extent of the steep slope conservation easement to include all lots to be subdivided and to include all slope areas of 20% or greater remaining after completion of the grading required for construction, in said conservation easement; and

**WHEREAS**, on July 9, 2020, the Township Committee adopted Reasons Resolution 2020-146 stating its rationale for adopting Ordinance 2020-11 and also adopted Ordinance 2020-11; and

**WHEREAS**, on July 9, 2020, the Township Committee introduced Ordinance 2020-13 amending Ordinance 2020-11 to clarify that the proposed group home lot in the R-3AH Zone will be cleared and leveled by the developer prior to conveyance to the Township; and

**WHEREAS**, on July 20, 2020, the Planning Board determined that Ordinance 2020-13 was inconsistent with the LUP for the same reasons as Ordinance 2020-11 but recommended its adoption because it advances the objective of the LUP to promote balanced housing types for all segments of the population; and

**WHEREAS**, the Township Committee concurs with the findings of the Planning Board that the Ordinance promotes a balance of housing types for all segments of the population in accordance with the LUP and provides affordable housing with a minimal impact on neighborhood character and community services in accordance with the HEFSP;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

1. Pursuant to N.J.S.A. 40:55D-62, the Township Committee hereby sets forth its reasons, as stated above, for the adoption of Ordinance 2020-13 (a copy of which is attached hereto as **Exhibit A**), as it substantially advances objectives of the adopted Township of Chatham Master Plan.
2. The reasons stated in this Resolution are sufficient to enact Ordinance 2020-13 despite any inconsistencies with the LUP and HEFSP and the Township Committee hereby adopts Ordinance 2020-13 for the reasons set forth herein.

3. This Resolution shall take effect immediately.

Mayor Kelly said that the Planning Board recommends adoption of Ordinance 2020-13 because it promotes Affordable Housing, and it also protects the steep slopes on the subject property.

Deputy Mayor Ness moved to adopt Resolution 2020-179. Committeewoman Fondaco seconded the motion.

**Roll call:** Committeewoman Ewald, Aye; Committeewoman Fondaco, Aye; Committeewoman Swartz, Nay; Deputy Mayor Ness, Aye; Mayor Kelly, Aye.

Committeewoman Swartz said that she will vote against Ordinance 2020-13. She said that while she supports Group Homes, she does not agree that five lots at the site are appropriate. Deputy Mayor Ness opined that the material changes from the 2019 proposal for the site makes the current plan more tenable.

Committeewoman Ewald moved to adopt Ordinance 2020-13. Committeewoman Fondaco seconded the motion.

**Roll call:** Committeewoman Ewald, Aye; Committeewoman Fondaco, Aye; Committeewoman Swartz, Nay; Deputy Mayor Ness, Aye; Mayor Kelly, Aye.

### **Introduction of Ordinances**

Attorney Cruz reported that Ordinance 2020-14 and Ordinance 2020-15 are companion ordinances. Ordinance 2020-14 is a bond ordinance to fund the acquisition of 522 Southern Boulevard. Ordinance 2020-15 authorizes the Township to proceed with the condemnation process if the property is not able to be acquired through voluntary purchase. Attorney Cruz said that at the upcoming Planning Board meeting, there will be a report by the Township Planner regarding 522 Southern Boulevard to address if the site qualifies as an area in need of condemnation redevelopment.

### **Ordinance 2020-14**

#### **ORDINANCE 2020-14**

**BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY (BY PURCHASE OR EMINENT DOMAIN) FOR AFFORDABLE HOUSING PURPOSES IN, BY AND FOR THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$4,000,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

**BE IT ORDAINED** by the Township Committee of the Township of Chatham, in the County of Morris, State of New Jersey, as follows:

Section 1. The Township of Chatham, in the County of Morris, State of New Jersey (the "Township") is hereby authorized to acquire real property (by purchase or eminent domain) in, by and for the Township for affordable housing purposes. Said improvement shall include real estate transaction expenses and all work, materials and appurtenances necessary and suitable therefor. The property to be acquired has a street address of 522 Southern Boulevard and is designated as Block 128, Lot 2 on the Tax Assessment Map of the Township. The Mayor, Township Administrator, Township Clerk and Township Attorney are hereby authorized to take all actions and execute all documents necessary in connection with the acquisition (by purchase or eminent domain) of the real property.

Section 2. The sum of \$4,000,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Township, and (2) it is necessary to finance said purpose by the issuance of obligations of said Township pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$4,000,000, and (4) \$200,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said

purpose is \$3,800,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$315,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that the aggregate sum of \$200,000 (consisting of (A) \$50,610 in the Township's Affordable Housing Trust Fund and (B) \$149,390 in the Township's Capital Improvement Fund), is now available to serve as the down payment on said purpose. The sum of \$200,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Township of an aggregate principal amount not exceeding \$3,800,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$3,800,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of forty years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$3,800,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. Any funds received from private parties, the County of Morris, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 12. The Township intends to issue the bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 13. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Deputy Mayor Ness moved to introduce 2020-14. Committeewoman Fondaco seconded the motion.

**Roll call:** Committeewoman Ewald, Aye; Committeewoman Fondaco, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ness, Aye; Mayor Kelly, Aye.



Public Hearing for Ordinance 2020-14 will be scheduled for August 27, 2020.

Ordinance 2020-15

**ORDINANCE 2020-15**

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION BY PURCHASE OR CONDEMNATION OF REAL PROPERTY SHOWN AS BLOCK 128, LOT 2 ON THE TOWNSHIP TAX MAP AND COMMONLY KNOWN AS 522 SOUTHERN BOULEVARD, NOW OWNED BY KRONOS HOLDING, LLC**

**WHEREAS**, the New Jersey Supreme Court, through its rulings in In re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Hous., 221 N.J. 1 (2015) (“Mount Laurel IV”); Hills Dev. Co. v. Twp. of Bernards, 103 N.J. 1 (1986) (“Mount Laurel III”); S. Burlington Cty. NAACP v. Twp. of Mount Laurel, 92 N.J. 158 (1983) (“Mount Laurel II”); Burlington Cty. NAACP v. Twp. of Mount Laurel, 67 N.J. 151, 174 (1975) (“Mount Laurel I”) (“Mount Laurel Decisions”), determined that municipalities in New Jersey have a constitutional obligation to provide a realistic opportunity for a fair share of its region’s present and prospective needs for housing for low and moderate income families; and

**WHEREAS**, the New Jersey State Legislature, in response to the Mount Laurel Decisions, adopted the Fair Housing Act, N.J.S.A. 53:27D-301 et seq. to codify the obligation of municipalities to provide a realistic opportunity for housing for low and moderate income families; and

**WHEREAS**, the Township of Chatham recognizes its obligation under the State Constitution, as further set forth in the Mount Laurel Decisions and the Fair Housing Act, to provide a realistic opportunity for housing for low and moderate income individuals and families; and

**WHEREAS**, on July 6, 2015, the Township filed a declaratory judgment action, in accordance with Mount Laurel IV, seeking a declaration of its compliance with the Mount Laurel Decisions and the Fair Housing Act (“Action”); and

**WHEREAS**, the Fair Share Housing Center (“FSHC”) intervened in the Action and, with the assistance of a Court Appointed Special Master, reached a settlement with the Township which sets forth the manner in which the Township will ensure the opportunity for housing for low and moderate income families; and

**WHEREAS**, on December 13, 2018, the Township and FSHC entered into the December 13, 2018 Settlement Agreement which fixed the Township’s Third Round (1999 – 2025) Prospective Need, as adjusted through the December 13, 2018 Settlement Agreement, at 387 affordable housing units; and

**WHEREAS**, through a Vacant Land Analysis a municipality attempts to demonstrate that it does not have the land capacity to meet its affordable housing obligation and is used to calculate a municipality’s realistic development potential (“RDP”); and

**WHEREAS**, the December 13, 2018 Settlement Agreement fixed the Township’s RDP at 200 affordable units as calculated in the Vacant Land Analysis attached as Exhibit B to that Agreement; and

**WHEREAS**, the Township’s RDP was to be satisfied as follows:

<u>Compliance Mechanism</u>	<u>Units</u>	<u>Bonuses</u>
Regional Contribution Agreement (“RCA”) with the City of Newark	8	
Extension of expiring controls on affordable family, for-sale units at Vernon Grove Condominium	72	
Family rental units created through inclusionary zoning with off-site family rental affordable units at the Skate Park	24	24
Affordable family rental units through the development of a 100% municipally sponsored development at a site or sites to be determined	74	26
Totals	<u>178</u>	<u>50</u>
	228	

;and

**WHEREAS**, the December 13, 2018 Settlement Agreement was amended on January 10, 2019 to correct a block and lot designation; and

**WHEREAS**, on February 22, 2019, there was a Fairness and Preliminary Compliance Hearing during which the December 13, 2018 Settlement Agreement, as amended on January 10, 2019, was approved by the Superior Court of New Jersey; and

**WHEREAS**, under the December 13, 2018 Settlement Agreement, the Township had until July 22, 2019 to identify a site or sites for the 100% municipally sponsored development for 74 affordable family rental units (“Development”); and

**WHEREAS**, the Township obtained extensions of the July 22, 2019 deadline to designate a site or sites for the 100% municipally sponsored development for 74 affordable family rental units during which the Township sought to identify municipally owned properties for this development, including converting the Township owned Municipal Building at 58 Meyersville Road; and

**WHEREAS**, on January 10, 2020, the Township filed a Notice of Motion for Approval of Development Fee Ordinance and Related Spending Plan, Extension of Time for Compliance and Temporary Immunity, and Adjustment of Construction Start Date, including to extend the deadline to identify municipally owned property for the 100% municipally sponsored development for 74 affordable housing family rental units; and

**WHEREAS**, on January 24, 2020, the FSHC filed opposition to the Township’s Motion and a Cross-Motion seeking to terminate the Township of Chatham’s Immunity from Builder’s Remedy Suits and to Enforce Litigant’s Rights; and

**WHEREAS**, on February 7, 2020 the Township filed opposition to the FSHC Cross-Motion; and

**WHEREAS**, the Township and the FSHC participated in mediation with the Court Appointed Special Master to resolve the pending motions; and

**WHEREAS**, as a result of that mediation, the Township and the FSHC entered into the March 12, 2020 Amended Settlement Agreement; and

**WHEREAS**, the March 12, 2020 Amended Settlement Agreement reallocated the 74 units in the Development as follows:

<u>Compliance Mechanism</u>	<u>Units</u>	<u>Bonuses</u>
No fewer than 59 affordable two- and three-bedroom family rental units on River Road (Block 62, Lot 71) and, potentially, Block 62, Lot 74	59	26
Up to 15 group home bedrooms on a site or sites to be identified	15	
Totals	<u>74</u>	; and

**WHEREAS**, after proceedings before the Township Planning Board, the Township concluded that the River Road property was not appropriate for the Development and sought to amend the March 12, 2020 Amended Settlement Agreement; and

**WHEREAS**, after further review by the Township, FSHC and the Court Appointed Special Master, the Township concluded that because of the lack of sufficient unencumbered vacant land owned by the Township, that the property shown as Block 128, Lot 2 on the Township Tax Map and commonly known as 522 Southern Boulevard, now owned by Kronos Holding, LLC (“Property”) was an appropriate site for the Development; and

**WHEREAS**, the acquisition of the Property will increase the number of affordable family rental units in the Township by at least 59 units because, without the Property, the Township would be unable to meet its RDP; and

**WHEREAS**, on July 20, 2020, the Township Planning Board adopted the 2020 Housing Element and Fair Share Plan which designated the Property for the Development; and

**WHEREAS**, on July 23, 2020, the Township endorsed the 2020 Housing Element and Fair Share Plan which designated the Property for the Development; and

**WHEREAS**, on July 23, 2020, the Township and FSHC entered into the July 23, 2020 Amended Settlement Agreement designating the Property for the Development; and

**WHEREAS**, the Township Committee finds that the Property is necessary or useful for the construction of low and moderate income housing because the Property is: (a) of a sufficient size to accommodate at least 59 affordable family-rental two and three bedroom housing units, (b) is located in the “downtown” area of the Township close to shopping, local services, parks and public transportation; (c) offers a convenient location to the affordable unit residents; (d) is serviced by sewer and water; (e) is compatible to adjacent land uses; (f) offers a more suitable location for affordable housing than the Municipal Building or the River Road property all as detailed in the “Site Suitability Analysis for Construction of Affordable Housing, 522 Southern Boulevard, Chatham Township, N.J., July, 2020”

prepared by Francis J. Banisch III, P.P., A.I.C.P. attached as Exhibit A to the July 23, 2020 Amended Settlement Agreement; and

**WHEREAS**, based upon the above factors, the Township hereby determines that the Property is necessary or useful for the construction of low and moderate income housing and that will result in an increase in affordable housing units in the Township; and

**WHEREAS**, in accordance with N.J.S.A. 40A:12-5(a)(1) “any municipality, by ordinance, may provide for the acquisition of any real property, capital improvement, or personal property: (1) by purchase, gift, devise, lease, exchange, or condemnation . . .”; and

**WHEREAS**, in accordance with N.J.S.A. 52:27D-325 “a municipality may purchase, lease or acquire by gift or through purchase, lease or acquired by gift or through the exercise of eminent domain, real property and any estate or interest therein, which the municipal governing body determines necessary or useful for the construction or rehabilitation of low and moderate income housing or conversion to low and moderate income housing”; and

**WHEREAS**, an appraiser retained by the Township, Appraisal Consultants Corp., determined the value of the Property to be \$3,685,000 as set forth in that “Appraisal for 522 Southern Boulevard, Chatham Township, NJ”, dated August 11, 2020; and

**WHEREAS**, the Township Committee wishes to authorize the Mayor and/or designee to negotiate for the acquisition of the Property in an amount not to exceed the appraised value for the Property, and if a negotiated purchase cannot be agreed upon, to initiate an eminent domain action to acquire title to the Property for the Development under the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq. so long as all legal prerequisites for eminent domain are satisfied and to thereafter prosecute such eminent domain action to completion and to arrange for the Township to satisfy any judgment entered in such eminent domain proceedings.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

**Section 1.** The appraisal of the Property prepared by Appraisal Consultants Corp. on behalf of the Township is hereby accepted and approved in its entirety, including but not limited to the appraised value of \$3,685,000.00.

**Section 2.** After the effective date of this Ordinance, the Township shall reserve the sum of \$3,685,000.00 from Bond Ordinance 2020-14 titled “BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY (BY PURCHASE OR EMINENT DOMAIN) FOR AFFORDABLE HOUSING PURPOSES IN, BY AND FOR THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$4,000,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS” and the Chief Financial Officer has certified the availability of funds for the purposes set forth herein.

**Section 3.** The Mayor and/or designee are hereby authorized to negotiate for the acquisition by voluntary purchase and, if voluntary purchase cannot be effectuated, to carry out the condemnation of the Property in the amount not to exceed the appraised value of the Property for the purpose of providing for housing for low and moderate income individuals and families.

**Section 4.** The Mayor and/or designee are hereby authorized to execute any and all agreements and other legal documents necessary to accomplish the acquisition of the Property, including but not limited to a written offer for the purchase of the Property, land sale contract and deed for the conveyance of the Property and Verified Complaint, Declaration of Taking, and any other necessary documents for eminent domain proceedings for the Property in accordance with the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq.

**Section 5.** In conjunction with said acquisition, the Township hereby reserves and shall reserve any and all rights it had or may have to recover in any subsequent or pending action or by any administrative means, all costs of remediation and/or clean-up of contamination that have been incurred or may be incurred in the future by reason of conditions which were in existence as of or prior to the date of vesting of title and possession of the Property in the name of the Township.

**Section 6.** In conjunction with said acquisition, the Township hereby reserves and shall reserve the right to seek in its sole discretion, any and all available legal, administrative and equitable remedies to compel the record owners and/or responsible parties to remediate and/or clean up the Property in accordance with applicable state and federal statutory and regulatory provisions. The Township is not and shall not be liable for the clean-up and removal costs of any discharge which occurred or began prior to the Township’s ownership.

**Section 7.** The Mayor and Township Committee and such other officials, consultants, agents, employees and professionals of the Township as may be necessary and appropriate are hereby authorized and directed to take any and all actions necessary to effectuate the purposes of this Ordinance.

**Section 8.** The Township Committee takes notice of the following documents referenced in this Ordinance, which documents are incorporated herein by reference:

- a. December 13, 2018 Settlement Agreement between the Township of Chatham and the Fair Share Housing Center, Inc., with attached Exhibits;
- b. January 10, 2019 Amended Settlement Agreement;
- c. February 22, 2019 Order on Fairness and Preliminary Compliance Hearing, with attached Exhibits;
- d. January 10, 2020 Township of Chatham Notice of Motion and supporting documents;
- e. January 24, 2020 Fair Share Housing Center, Inc. Opposition to Motion and Cross-Motion and supporting documents;
- f. February 7, 2020 Township Reply to Cross-Motion and supporting documents;
- g. March 12, 2020 Amended Settlement Agreement, with attached Exhibits;
- h. July 23, 2020 Amended Settlement Agreement, with attached Exhibits;
- i. 2020 Housing Element and Fair Share Plan (“HE&FSP”) and supporting documents;
- j. July 20, 2020 Planning Board Resolution adopting the 2020 HE&FSP and supporting documents;
- k. July 23, 2020 Township Committee Resolution endorsing HE&FSP, and supporting documents;
- l. July 23, 2020 Township Committee Resolution authorizing July 23, 2020 Amended Settlement Agreement;
- m. July 23, 2020 Amended Settlement Agreement, with attached Exhibits, and
- n. August 11, 2020 Appraisal Consultants Corp. Appraisal Report, with attached Exhibits.

**Section 9.** All of the **WHEREAS** clauses are incorporated into this **NOW, THEREFORE**.

**Section 10.** A copy of the Ordinance and any agreements authorized herein shall be placed on file with the Township Clerk’s Office.

**Section 11.** If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

**Section 12.** This Ordinance shall take effect in accordance with the laws of the State of New Jersey after final passage and publication.

Committeewoman Ewald moved to introduce 2020-15. Deputy Mayor Ness seconded the motion.

**Roll call:** Committeewoman Ewald, Aye; Committeewoman Fondaco, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ness, Aye; Mayor Kelly, Aye.

Public Hearing for Ordinance 2020-15 will be scheduled for August 27, 2020.

### **Consent Agenda**

#### **RESOLUTION 2020-180 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING PAYMENT OF BILLS, PAYROLLS, SCHOOL TAXES AND COUNTY TAXES**

**BE IT RESOLVED** that bills in the total amount of \$1,062,677.74 and the prior month’s payroll of \$439,717.33 Current Fund, \$49,737.97 Sewer No. 1, \$10,819.51 Sewer No. 2, and \$6,529.21 Police Private Employment be paid.

**BE IT FURTHER RESOLVED** that taxes due to the School District of the Chathams, for the month of August 2020, in the amount of \$3,270,037.00 be paid.

**BE IT FURTHER RESOLVED** that taxes due to the County of Morris, for the Third Quarter of 2020, in the amount of \$2,391,790.52 be paid.

**RESOLUTION 2020-181**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM**  
**APPROVING MINUTES OF MEETINGS**

**BE IT RESOLVED** that the Township Committee of the Township of Chatham acknowledges receipt of and approves the minutes of the Township Committee meeting held on July 23, 2020.

**RESOLUTION 2020-183**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN**  
**THE COUNTY OF MORRIS, STATE OF NEW JERSEY, REFUNDING OVERPAYMENT OF**  
**TAXES**

**WHEREAS**, an overpayment of property taxes has been made for the following properties; and  
**WHEREAS**, the Tax Collector has recommended the refund of such overpayment,  
**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that the following refunds be made:

<b>BLOCK</b>	<b><u>LOT</u></b>	<b><u>NAME &amp; ADDRESS</u></b>	<b><u>AMOUNT</u></b>
135	22	Garippa, Lotz & Giannuario 66 Park Street Montclair, New Jersey 07042 Attn: Adam R. Jones  Property Address- 650 Shunpike Rd	\$20,000.00  State Tax Court Judgment Agreement for Tax Years 2011-2013

**RESOLUTION 2020-184**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM**  
**AWARDING ROAD RESURFACING CONTRACT TO SCHIFANO CONSTRUCTION CORP.**  
**FOR 2020 ROAD RESURFACING**

**WHEREAS**, Schifano Construction Corp. of 1 Smalley Ave, Middlesex, NJ has been awarded the 2020 Contract #6: Road Resurfacing for District #1 under the Morris County Cooperative Pricing Council; and

**WHEREAS**, Chatham Township is a member of the Morris County Cooperative Pricing Council and located in District No. 1; and

**WHEREAS**, Chatham Township wishes to resurface: Hilltop Terrace, Highland Avenue, Hall Road, Cobblestone Court, Rose Terrace, Edgewood Road, Fairfax Terrace, Geoffrey Court, Tanglewood Lane and Roosevelt Road; collectively referred to as “2020 Road Resurfacing.”

**BE IT RESOLVED** that the Township of Chatham hereby will award a contract on August 13, 2020 to Schifano Construction Corp. in the amount not to exceed \$587,000.00 subject to applicable unit prices and contract provisions under the Morris County Cooperative Pricing Council.

**RESOLUTION 2020-185**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,**  
**COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CAPITAL BUDGET**

**WHEREAS**, the Township of Chatham deems it necessary and desirable to allocate additional funds and revise the Project Title to the existing Capital Projects not previously reflected in the 2020 Capital Budget of said municipality, and

**WHEREAS**, N.J. A.C. 5:30-4.4B provides that the Capital Budget of a governing body shall be amended to reflect any provisions, changes or inconsistencies with said Capital Budget,

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham, in the County of Morris, State of New Jersey, that the 2020 Capital Budget shall be amended to reflect the allocation of additional funds and revise the Project Title as reflected in the attached 2020 Capital Budget Sheets not previously provided for in the Capital Budget. The allocation of additional funds and revised Project Title are needed to provide additional funding for the acquisition of property for Affordable Housing.

**BE IT FURTHER RESOLVED** that the attached form, as promulgated by the Local Finance Board shall represent the amended Capital Budget for the year 2020.

**RESOLUTION 2020-186**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN**  
**THE COUNTY OF MORRIS, NEW JERSEY, REGARDING THE RENEWAL OF ALCOHOLIC**  
**BEVERAGE LICENSES IN THE TOWNSHIP OF CHATHAM FOR THE FISCAL YEAR**  
**BEGINNING JULY 1, 2020**

**WHEREAS**, an application for the renewal of an Alcoholic Beverage License in the Township of Chatham for the fiscal year beginning July 1, 2020 has been made by Chattam Wine & Liquor LLC and Fairmount Country Club

**WHEREAS**, the applicants have complied with all the requirements of “An Act for the Manufacture, Distribution and Sale of Alcoholic Beverages”, known as the “Alcoholic Beverage Act and Amendments and Supplements thereto”, as well as the Ordinance of the Township of Chatham entitled “An Ordinance to Regulate the Sale and Distribution of Alcoholic Beverages”, as amended, including the submission of the appropriate license fees, and no objections to the renewal of said licenses have been received.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Clerk be and hereby is authorized to deliver the plenary retail distribution license as issued by the New Jersey Division of Alcoholic Beverage Control for the fiscal year beginning July 1, 2020, as follows:

To Chattam Wine & Liquor LLC., trading as Buy Rite Liquor, for premises situated at 650 Shunpike Road, Unit 1A Chatham, New Jersey (Lic. No. 1405-44-004-007).

**BE IT FURTHER RESOLVED** that the Township Clerk be and hereby is authorized and directed to issue and deliver a plenary retail consumption license for the fiscal year beginning July 1, 2020, as follows:

To Fairmount Country Club, Inc., a private club for members only, for premises situated at 400 Southern Boulevard, Chatham Township, New Jersey (License # 1405-33-001-002).

**BE IT FURTHER RESOLVED** that a copy of this Resolution certified by the Township Clerk be forwarded to the Division of Alcoholic Beverage Control and the State Department of Taxation and Finance, Newark, New Jersey, for their information and guidance.

Resolution 2020-182 was pulled for a separate vote.

Deputy Mayor Ness moved to approve the Consent Agenda. Committeewoman Ewald seconded the motion.

**Roll call:** Committeewoman Ewald, Aye; Committeewoman Fondaco, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ness, Aye; Mayor Kelly, Aye.

**RESOLUTION 2020-182**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP**  
**OF CHATHAM APPROVING EXECUTIVE SESSION MINUTES OF MEETINGS**

**BE IT RESOLVED** that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meeting held on July 23, 2020.

Deputy Mayor Ness moved to adopt Resolution 2020-182. Committeewoman Ewald seconded the motion.

**Roll call:** Committeewoman Ewald, Aye; Committeewoman Fondaco, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ness, Aye; Mayor Kelly, Aye.

**Resolutions**

**RESOLUTION 2020-187**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN**  
**THE COUNTY OF MORRIS, STATE OF NEW JERSEY,**  
**WAIVING SUBDIVISION APPLICATION FEE**

**WHEREAS**, on August 6, 2020, a minor subdivision application was submitted by Southern Boulevard Urban Renewal, LLC to subdivide Block 48.16, Lot 117.27 owned by the Township of

Chatham into one lot for the Township and a second lot solely for Southern Boulevard Urban Renewal, LLC/Arbor Green at Chatham affordable housing development; and

**WHEREAS**, on June 25, 2020 the Township Committee of the Township of Chatham adopted Resolution 2020-158 authorizing the Township Attorney and Engineer to prepare and submit this minor subdivision application; and

**WHEREAS**, upon further review, it was determined that Southern Boulevard Urban Renewal, LLC should submit the application in its own name because it would be more efficient and cost effective for the Township; and

**WHEREAS**, Southern Boulevard Urban Renewal, LLC requested that the minor subdivision application fees be waived because this subdivision promotes the Township fulfilling its affordable housing obligation; and

**WHEREAS**, by Southern Boulevard Urban Renewal, LLC prosecuting this application, there will be a cost savings to the Township; and

**WHEREAS**, the Township desires to waive the minor subdivision application fee for the above referenced application; and

**WHEREAS**, escrow fees are not exempted.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that the minor subdivision application fee for the application to be submitted by Southern Boulevard Urban Renewal, LLC for Block 48.16, Lot 117.27 is hereby waived.

Attorney Cruz explained the purpose of Resolution 2020-187. He stated that it pertains to a lot line adjustment application for the Arbor Green at Chatham development.

Committeewoman Ewald moved to adopt Resolution 2020-187. Deputy Mayor Ness seconded the motion.

**Roll call:** Committeewoman Ewald, Aye; Committeewoman Fondaco, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ness, Aye; Mayor Kelly, Aye.

### **Hearing of Citizens**

Mayor Kelly opened the Hearing of Citizens.

1. Dan Miller, 465 Green Village Road, said that Morris County historically has not performed debris removal on County roads. He asked if residents on County roads can be informed when the Township will be picked up. Mr. Miller also thanked the Township for having the electronic sign put up by Green Village Road asking bicycle riders to be courteous to neighbors. He agreed with Committeewoman Ewald that it is difficult to enforce the noise ordinance as it pertains to noise from bicyclists and joggers. Mr. Miller said that creating a discussion on the matter can encourage residents to be more considerate.

Committeewoman Swartz said that she hopes that a schedule will be posted, and said that she will work with DPW Director Rich Young on the matter. Administrator Hoffmann said that it is anticipated that all the debris will be picked up by August 21<sup>st</sup>, including on County roads. Committeewoman Swartz said that the County will be billed for the work performed by the Township on behalf of the County, which is why the hours need to be separate.

Seeing no further public comment, Mayor Kelly closed the Hearing of Citizens.

Deputy Mayor Ness moved to adjourn at 7:25 PM. Committeewoman Fondaco seconded the motion, which carried unanimously.

---

Gregory J. LaConte  
Municipal Clerk